



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 10/596,147 | 04/10/2007 | Matthias Wendt | PHDE030406US | 2794 |
| 38107 | 7590 | 01/07/2009 | EXAMINER | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS | | | VARGAS, DIXOMARA | |
| 595 MINER ROAD | | | ART UNIT | PAPER NUMBER |
| CLEVELAND, OH 44143 | | | 2831 | |
| MAIL DATE | DELIVERY MODE | | | |
| 01/07/2009 | PAPER | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/596,147 | WENDT ET AL. | |
| | Examiner | Art Unit | |
| | DIXOMARA VARGAS | 2831 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 4-6 is/are allowed.
 6) Claim(s) 1-3,7-12 and 14 is/are rejected.
 7) Claim(s) 13 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Europe on 12/08/03. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3 and 7-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (US 6,850,064 B1) in view of Jones et al. (US 5,666,055 A).

With respect to claims 1, 11 and 14, Srinivasan discloses a circuit arrangement for an MR apparatus (as seen on Figure 9), which has an MR resonant circuit formed by an MR receiving coil (coils #1-#3) and a capacitor (as seen on Figure 6a, C1-C3), the circuit arrangement comprising a switch for switching the resonant circuit between two or more operating modes (Column 9, lines 6-25), a RF receiving device for reception of RF control signal (data acquisition system connected to controller device in Figure 9, not numbered) the RF receiving device being connected with the switch to switch the MR resonant circuit between the operating modes in response to receiving the RF control signal (as seen on Figure 9, wherein the coils connected to the receiver are switched from transmit mode to receive mode operated by the control device shown).

Furthermore, Srinivasan discloses the claimed invention as stated above except for specifying that the receiving device have the capability of wireless reception of control signal. However, Jones discloses the device having the capability of wireless reception of control signal (Column 5, lines 37-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Jones's device having the capability of wireless reception of control signal with Srinivasan's circuit for the purpose of simplifying the structure since it requires no additional hardware modification in order to operate the MRI system and activate the desire coils of the system as taught by Jones (Column 4, lines 41-51).

5. With respect to claim 2, Srinivasan discloses the receiving device includes the MR receiving coil itself (coils #1-#3 as seen on Figure 9).

Art Unit: 2831

6. With respect to claims 3 and 12, Srinivasan discloses the RF receiving device includes an additional resonant circuit which is tuned to a different radio frequency from the MR resonant circuit (Columns 9-10, lines 64-67 and 1-14 respectively).

7. With respect to claim 6, Srinivasan discloses the receiving device is constructed for receiving radio signals of a radio control (Column 9, lines 44-63).

8. With respect to claim 7, Srinivasan discloses an MR apparatus (as seen on Figure 9) having a main field coil for generating a substantially homogeneous, static magnetic field in an examination volume (main magnet not numbered and as labeled in Figure 9), a transmitting coil for generating high-frequency fields in the examination volume (body coil not numbered and as labeled in Figure 9), an MR receiving coil which has two or more receiving modes for receiving MR signals from the examination volume (coils #1-#3), a computer unit for controlling the MR apparatus (computer control not numbered and as labeled in Figure 9) and having a circuit arrangement for controlling the operating modes of the receiving coil (controller of Figure 9 not numbered).

9. With respect to claim 8, Srinivasan discloses an MR method for generating an image of an examination object using an MR apparatus as claimed in claim 7, wherein the image is reconstructed from MR signals that are received from the examination volume after input of a high-frequency pulse (Column 9, lines 44-63), and wherein the resonant circuit formed by the MR receiving coil and the associated capacitor is switched by additional generation of a high-frequency electromagnetic control signal between an activated and a de-activated operating

mode, such that the resonant circuit is in the de-activated operating mode during input of the high-frequency pulse (Column 9, lines 6-25).

10. With respect to claim 9, Srinivasan discloses the control signal has a different frequency from the high-frequency pulse and wherein the control signal is generated before or after the high-frequency pulse (Columns 9-10, lines 64-67 and 1-14 respectively).

11. With respect to claim 10, Srinivasan discloses a computer program for controlling an MR apparatus to perform the method as claimed in claim 8 (see computer in Figure 9).

Allowable Subject Matter

1. Claims 4-6 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a. With respect to claim 4, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a circuit arrangement for an MR apparatus, having an additional resonant circuit connected to a rectifier circuit for generating a low-frequency switching signal in combination with the remaining limitations of the claim.
 - b. With respect to claim 5, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a circuit arrangement for an MR apparatus, having a the control circuit comprising a time-delay circuit that is constructed such that the resonant circuit formed by the MR receiving coil and the associated capacitor, upon receipt of the control signal, is switched over into an activated

or de-activated operating mode, and thereafter remains in that operating mode for a time interval of pre-determinable duration in combination with the remaining limitations of the claim.

- c. With respect to claim 6, the claim has been found allowable due to its dependency on claim 4 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

- 3. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

- 4. Applicant's arguments filed 08/26/08 have been fully considered but they are not persuasive.
- 5. Applicant argues that the prior art fails to teach the wireless control switching device.
- 6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wireless control switching device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim instead calls for a wireless receiving device.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIXOMARA VARGAS whose telephone number is (571)272-2252. The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/5/08
/Dixomara Vargas/
Art Unit 2831

/Brij B Shrivastav/
Primary Examiner, Art Unit 2831